

**Notice of Allowability**

Application No.

10/540,747

Examiner

Sonya Mazumdar

Applicant(s)

YANAGIDA ET AL.

Art Unit

1791

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/2/2007.
2. ☒ The allowed claim(s) is/are 1.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The closest prior art found is taught by Kawada (EP 0759398) in view of Goto (US 5,403,431).

Kawada teach a label applying apparatus (1) comprising:

a main body (10) at a rear end of which a grip portion (11) is formed;

a manual lever (20) pivotally supported by the main body, having a partial gear portion (22) and an operating arm;

a spring (21) connected between the grip portion and the manual lever to bias the manual lever in a direction away from the grip portion;

a holder portion (30, 31, 32) arranged at the main body, to accommodate a roll of labels (L) on a backing web (T);

an applying roller (45) arranged rotatably at a tip portion of the main body;

a guide plate (44) arranged adjacently to the applying roller, slidably connected with the backing paper web which is fed from the holder portion, and leading the backing paper web to a bottom of the main body after a foremost label is peeled off from the backing paper web;

a bottom lid (50) pivotally supported at the bottom of the main body for opening and closing, and preventing the backing web from moving in a direction opposite to a travel direction of the backing paper web (column 5, lines 1-4);

a sending lever (63) supported by a pivot (62) on the main body and having a partial gear portion (62a) that interlocks with the partial gear portion (22) of the manual lever (column 4, lines 26-35);

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a slide block (65) mounted at the bottom of the main body and connected with the sending lever (63) such as to be movable relatively thereto (column 4, lines 26-35);

a pair of feed teeth (65a) pivotally mounted on the slide base and engagable with the backing paper web which is led to the bottom of the main body (column 4, line 51 – column 5, line 13; Figure 4);

a stop detection sensor piece (66a) pivotally mounted on the slide block (65);

a stop lever (70) pivotally supported on the main body and engagable with the stop detection sensor piece (66a) (Figure 5);

a stop release member (80) pivotally supported on the main body (Figure 5);

a connecting frame (43) pivotally supported on the main body, connected with the stop lever such as to be movable relative thereto, and capable of disengaging the stop lever from the stop detection sensor piece (column 6, lines 11-19; Figure 5);

a label sensor (46) pivotally supported on the connecting frame and having a sensor blade (46b) which is engagable with a front edge of the foremost label on the backing paper web (column 5, lines 24-33; Figure 7);

Goto further teaches a deflection pin (32), instead of a plate, arranged at the front tip at a transfer position to move a backing web off of a label after bringing the label to a roller (24) (column 4, lines 4-8; column 5, lines 63-68; Figure 6).

However, Kawada in view of Goto does not teach a sending lever pivotally supported on the main body of the apparatus, having a partial gear portion that meshes directly with the partial gear portion of a manual lever.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonya Mazumdar whose telephone number is (571) 272-6019. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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